

## II. REMARKS

This is in response to the office action of October 9, 2003.

Claims 1 to 44 are pending. Claims 30 to 35 are allowed, and claims 3 to 22, 26 and 28 have been noted as allowable. Claims 1, 2, 23 to 25, 27 and 29 stand rejected.

Claims 1 and 29 have been amended to add a feature recited in claim 33. New claims 36, 39 and 43 are substantially equivalent to claim 3. New claims 37, 41 and 44 are substantially equivalent to claim 5. New claim 38 is substantially equivalent to claim 14. New claim 40 is substantially equivalent to claim 4. New claim 42 includes the added feature of claim 1 or 29. Therefore, no new matter has been introduced. Reexamination and reconsideration are respectfully requested.

### **Claim rejections under 35 USC 103(a)**

Claims 1 and 29 have been rejected under 35 USC 103(a) as being unpatentable over Bacich (USPN 4,733,945).

Bacich discloses an optical holding device for vertically translating a lens cell insert 175. The examiner states that the optical holding device has an outer member (Fig. 17, element 180) and an inner member (Fig. 17, element 175). However, the inner member of Bacich is **not** monolithically formed with the outer member. In addition, Bacich does not disclose or teach an inner member monolithically formed with the outer member.

As to a drive mechanism, the examiner alleges that it would have been obvious to one of ordinary skill in the art to replace the mechanical drive element of Bacich with the actuator of the instant invention. However, the examiner does not mention anything about a drive mechanism as claimed. Please note that the

actuator of the instant invention is a drive element, not a drive mechanism. Therefore, applicant does not believe that the optical holding device of Bacich has a drive mechanism which is disposed between the monolithically formed outer member and inner member and changes at least one of an amount of displacement of the drive element and a displacement direction of the drive element.

Accordingly, claims 1 and 29 are believed patentable over Bacich. Likewise, claims 2, 23 to 25 and 27 are believed patentable. New claims 36 to 44, depending from claim 29, and also being similar to claims previously noted as allowable, are also believed patentable. Early allowance of claims 1 to 44 is respectfully requested.

Signature of Representative,

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Date

  
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